



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7
Serial No: 10/006,130 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel K. Hunnicutt
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


DECLARATION OF NAPOLEONE FERRARA, Ph.D.,
AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,
AUSTIN GURNEY, Ph.D., JAMES PAN, Ph.D., COLIN K. WATANABE and
WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., James Pan, Ph.D., Colin K. Watanabe and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
3. The polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States was sequenced and cloned prior to August 14, 1998.
4. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, Ph.D., was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.

5. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Audrey Goddard, Ph.D., was, and still is, responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
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10/6/04

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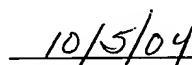
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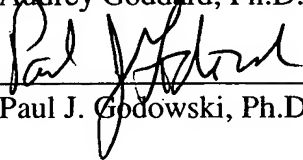
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Andrey Goddard, Ph.D.

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Paul J. Godowski, Ph.D.

10/05/01

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James Pan, Ph.D.

Date

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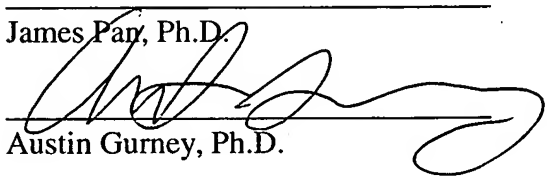
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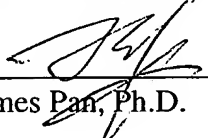
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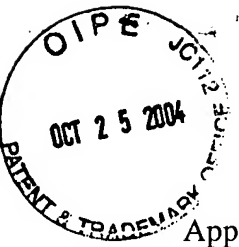
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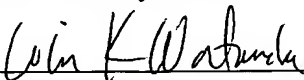
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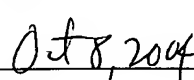
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AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,
AUSTIN GURNEY, Ph.D., JAMES PAN, Ph.D., COLIN K. WATANABE and
WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., James Pan, Ph.D., Colin K. Watanabe and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
3. The polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States was sequenced and cloned prior to August 14, 1998.
4. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, Ph.D., was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.

5. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Audrey Goddard, Ph.D., was, and still is, responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.
8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report, and the location of the first nucleotide is marked with "^insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.

13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. All activities listed under paragraphs 4-13 were completed prior to August 14, 1998. (See Exhibit A).
15. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Napoleone Ferrara, Ph.D.

Date

Audrey Goddard, Ph.D.

Date

Paul J. Godowski, Ph.D.

Date

James Pan, Ph.D.

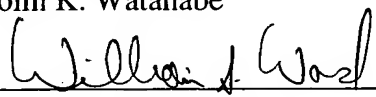
Date

Austin Gurney, Ph.D.

Date

Colin K. Watanabe

Date



William I. Wood, Ph.D.



Date

mlI

alwNI(dcm-)

alw26I/bsmAI

bsaXI

hpy188I

mspAII/ospBII

bsmAI

alul

pvuII

101 CAGCCTCTGC CCAAGAAG AAGAGATG TGTATCTGA AAGGTTAGT CAGCTGATG AATGACTTA CAAAGACT GTAATAAGAA TGAATGAGA

GTGGAGACG GGTTCCTTC TTCCTCTACC ACAATAGACT TTTCATCA GTGACTACC TTACCTGAT GTTCTGGA CATATCTCT ACTTACCTCT
27 A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

tspRI

bst4CI/hpyCH4III cac8I

btsI

ahdI/eam1105I cac8I

hpy99I

tsp509I

nlaiII

hpyCH4V tspRI

hpyCH4V al

201 CAAGTTCGT CGCCTTGTA AAGCCACC GAGAAATTAC TCCGTTATCG TCATGTTTAC TCCTCTCCA CTGATAGAC AGTGTCTGT TTGCAAGCAA
GTCAAGGCA GCGACACT TTCGGGCTG CTCTTTAATG AGCAATAGC AGTACAAGTG ACGAGAGTT GACGTATCTG TCACACAGCA AACGTTCTGT
60 K F R R L V K A P P R N Y S V I V M F T A L Q L H R Q C V V C K Q

tsp5091[M.ecori-]

ecori

hpyCH4V

sfani

apoi

econI

hpy188I

nlaiII

alul

bsII

bsII

hphI

ndeI

maeiII

acII

401 ATGTAATTCA GATGCTAAC ATGAATTCAG CTCCACTTT CATCACTTT CCTGCAAAAG GGAACCCAA ACCGGGTGAT ACAATAGAGT TACAGGTGCG
TACATAAAGT CTACGATTTG TACTTAAGTC GAGGTGAAA GTAGTGAAG GAGCTTTTC CCTTGGGTT TGCCCACTA TGTATACTCA ATGTCCACGC
127 Y F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI[M.aluI-]

bspCNI

mspi

sauiAI

celII/espi

hpaII

mboI/ndeII[dam-]

blpI/bpu1102I scrFI[M.hpaII-]

alul

ncII

dpnII[dam-]

pvuII

dsav

dpnI[dam+]

mspAII/nsbII

bskI alwI[dam-]

spsI

tsp509I

avaiI bsII

501 GGGTTTTC GGTGACGAGA TTGCCCCGCTG GATGCCCGAC AGACTGATG TCAATATTAG AGTGATTAGA CCCCCAAAT ATGCTGCTCC CCTTATCTTG
CCCCAAAAGT CGACTCGTCT AACGGGCCAC CTAGCGGCTG TCTGACTAC AGTATATATC TCACTAATCT GGGGGTTTAA TAGACACAG GGAATACAAC
160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

taqI

alul

sfuI

tseI

bstBI

fokI

bsICl

tsp509I

tru9I

bseFSI

bvII

baeI

mboII mboII

apoi

mseI

bsrI

mwoI hpyCH4V

601 GGATTGCTTT TGGCTGTAT TGGGGAAGCTT GGTATCTTC GAAGAAGTAA TATGAATTT CTCTTAAATA AAAGTGAGT GGTCTTTCGA GCTTGTGTT
CCTAACGAAA ACCGACAATA ACCACTGAA CACATAGAG CTCTTCAAT ATACCTTAA GAGAAATTA TTTGACCTAC CCGAAGAGT CGAAGACAAA
193 G L L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

nlaIII nlaIII
 pciI styI
 nsphI ncoI
 nspl dsal
 bclI bclI/bs
 tffI
 bsmFI tsp509I bsaJI
 hinfI
 ndel
 mnlI
 nlaIV
 ahdI/eam1105I
 cac8I
 701 TTGTGCTTGC TATGACATCT GGTCAATGT GGAACCATAT AAGAGACCA CCATATGCC ATAAGATCC CCACACGGGA CATGTGAATT ATATCATG
 AACACGACG ATACTGTAGA CCAGTTTACA CCTTGATATA TTCTCCTGGT GGTATACGGG TATTCTTAGG GGTGTCCCT GTACACTTAA TATAGTACC
 227 V L A M T S G Q M W N H I R G P P Y A H K N P H T G H V N Y I H G

tseI
 fnu4HI/bscFI
 bvi hpyI
 bsu36I/mstII/sauI
 lru9I
 maeII
 mboII msei
 aluI
 bsrI aluI
 801 AAGACGTCAA GCCCAGTTTG TAGCTGAAC ACACATTTT CTCTGTGTTA ATGAGGAGT TACCTTAGGA ATGTGCTTT TATGTGAAC TGCTACTCT
 TTCGTACGTT CGGTCAAC ATCAGTTTG TGTGTACAA GAAGACAAT TACCACCTCA ATGGAATCCT TACCACGAA ATACACTTCG ACGATGAGA
 260 S S Q A Q F V A E T H I V L L F N G G V T L G M V L L C E A A T S

sau3AI
 mboI/ndeII(dam
 dpnII(dam-)
 dpnI(dam+)
 sfanI
 bstFI
 bclII/xhoII
 nlaIII
 901 GACATGATA TTGGAACG AAAGATAATG TGTGGGCTG GATTTGACT TGTGTATTA TTCTCAGT GATGCTCTC TATTTTGA TCTAATATC
 CTGTACCTAT AACCTTTCG TTCTATTAC ACACACCGAC CATTAACCTGA ACACATATAT AAGAATCAA CCTACGAGAG ATAAATCT AGATTTATG
 293 D M D I G K R K I M C V A G I G L V V L F F S W M L S I F R S K Y H

bsmFI
 sau96I
 nlaIV
 avaiI
 bpmI/gsuI[dcn-1]
 aluI hpy188I mseI ecoO109I/draII
 tru9I ppuMI
 bsri csp6I
 tspRI scaI tsp509I
 1001 ATGGCTACCC ATACAGCTT CTGATGAGT AAAAAGTCC CAGAGATATA TAGACACTGG AGTACTGGA ATTGAANAAC GAAAATCGTG TGTGTTGAA
 TACCGATGGG TATGTCGAAA GACTACTCAA TTTTTCAGG GTCTCTATAT ATCTGTGACC TCATGACCCT TAACITTTG CTTTACGAC ACACAACTT
 327 G Y P Y S F L M S O

tru9I
 mseI tru9I
 ahaiII/draI
 bsmI
 mboII hpyCH4V
 mnlI swai msel msel mboII msel
 1101 AAGAAGATG CAACCTGTAT ATTTGTAT ACCCTTTTT TTCAGTGAT TTAATAGCTT AATCATTTAA CCAAGAAGA TGTGTAGTCC CTTAACAAGC
 TTCCTCTTAC GTGAACATA TAAACATTA TGGAGAAAA AAGTCACTA AATTATCAA TTAGTAATTT GGTTCCTTCT ACACATCAGG GAATTGTTGG

mnlI
 ddel
 bspCNI
 mnlI hpy188I
 1201 AATCCTCTGT CAAAATCTGA GGTATTTGAA AATAATTATC CTCTTAACCT TCTCTTCCCA GTGAACCTTA TGGACATTT AATTAGTAC AATTAGTAT
 TTAGGAGACA GTTTAGACT CCATAAATT TTATTAATAG GAGAATTGA AGAGAAGGT CACTTGAAT ACCTTGTAA TTAATCATG TTAATTCATA

tru9I
 msel
 hpaI
 psiI tsp509I
 aluI
 hincII/hindII hpy188I
 1301 ATTATAAAA TTGTAAACT ACTACTTGT TTAGTAGA ACAAGCTCA AACTACTT AGTAACTG GTCACTGAT TTATATTCG CTTATCCAAA
 TATATTTT AACATTTGA TGATGAACA AATCAATCT TGTTCGAGT TTTGATGAAA TCAATGAAC CAGTAGACTA AATATPAAC GAATAGGTTT
 GSegeEdit, DNA64883 [Full], page 6

scrFI[dcM-]

pspGI

mvaI

ecorII[dcM-]

dsaV[dcM-]

bstNI

bsaKI[dcM-]

apyI[dcM+]

sexAI

hpy188III

ndel

maeIII

apoi

ddeI[M.aluI-]

bstFSI

tsp509I[M.ecorI-]

xmnI

ecorI

asp700

aluI

msII

fokI

1401 GATGGGAAA GTAAGTCCTG ACCAGGTGT CCCACATATG CCTGTTACAG ATAACATCAT TAGGAATTCA TTCTTAGCTT CTTCATCTTT GTGTGGATGT
CTACCCCTT CATTCAGAC TGGTCCACA GGGGTATAC GGACAATGC TATTGATGTA ATCCTTAGT AAGATCGAA GAAGTAGAAA CACACCTACA

taiI

hgiAI/aspHI

bsp1286

hpy188I

bsiHKA

rmaI ddeI

mboII

hpy188I maeII/hpyCH4IV

bstZ17I
bst1107I

bpuAI

eco57I aIIII maeI bspc

accI

sfanI

tsp509I

nlalII bbsI

mboII bmyI btrI bfaI mnlI

1501 GTATACCTTA CGCATCTTC CTTTGAGTA GAGAAATTAT GTGTGCATG TGGTCTCTG AAAATGGAAC ACCATTCTTC AGAGCACACG TCTAGCCCTC
CATATGAAT GCGTAGAAG GAAACTCAT CTCCTTAATA CACACAGTAC ACCAGAGAC TTTTACCTG TGGTAAGAAG TCTCGTGTGC AGATCGGAG

tth1111/aspi

plei

pflfi

mlyi

hlnfi

bseri

nnli

bseri

bpmi/gsu1(dcm-)

hlnpi

ddel

bst4ci/hpych4iii nnli hpych4v

hha1/efoi bspcni

bsmai bsmal

1601 AGCAAGACAG TTGTTTCTCC TCCTCCTTGC ATATTTCCTA CTGCCCTCCA GCCTGAGTGA TAGAGTGAGA CTCCTCTCA AAAAAGA TCTCTAATA
TCGTTCTGTC AACAAAGAG AGAGGAGACG TATAAGGAT GACGCGAGGT CGGACTCACT ATCTCACTCT GAGACAGAGT TTTTTCAT AGAGATTAT

tru9i

tsp45i

mse1

tfii

hph1

tsp509i

hpal

xmi

hlnfi

tru9i maeiii

psii

sml

hincii/hindii

asp700

hpy188i

ddel

mse1 bsteii

1701 CAGAGTATA ATTTCCTT GAGTATGCTG TTAAGTACCT TGTATTAGA AAGATTTCAG ATTCATTCCA TCCTCTTAGT TTTCCTTTAA GGAGACCAT
GTCCTAATAT TAAAGACGAA CTCATACCAC AATTGATGA ACATAAATCT TTCCTAAGTC TAGTAAGT AGAGGATCA AAAGAAATT CCACGGGTA

dde

ddel(m.alu1-)

maeiii

haeiii/pal

tsp45i

rsal

alul

tspri

nlaiii

tsp509i

maeiii

csp6i

1801 CTGTGATAA AATATAGCTT AGTGCTAAAA TCAGTGTAAC TTATACATCG CCTAAATGT TTCTACAAAT TAGAGTTGT CACTTAATCC ATTGTACCT
GACACTAATT TTATATCGAA TCACGATTTT AGTCACATTG AATATGACC GGATTTTACA AAGATGTTA ATCTCAACA GTGAATAGG TAAACATGGA

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scrFI[dcM-]
pspGI
mvaI
ecorII[dcM-]
dsav[dcM-]
bstNI
haeIII/palI
msci/balI[dcM-]
eaeI[dcM-]
cfrI
scrFI[dcM-]
pspGI
mvaI bssKI[dcM-]
ecorII[dcM-] tsp45I
dsav[dcM-] maeIII
bstNI hinfI
bssKI[dcM-] tspRI
pleI bslI[dcM-] hhaI/cfoI
mlyI bsaJI apyI[dcM+]
hinfI apyI[dcM+] btsI
dclI
bspcNI
1901 AAGAGAAAA TAGGCTCAGT TAGAAGAAGA CTCCTGGCC AGCGCAGTC ACTTACGCCCT GTAATCTCAG CACTTGGGA GCCCAAGGA GGCAGATCAC
TTCTCTTTT ATCCGAGTCA ATCTTTTCTT GAGGACCGG TCCGCGTCAC TGAATCGGA CATTAGAGTC GTGAACCCCT CCGTTCGT CCGTCTAGTG
dclI mlyI bsaJI apyI[dcM+]
bspcNI hinfI apyI[dcM+] btsI
dclI haeIII/palI
bspcNI mliI bsaJI
mliI bsaJI

```

msci/bali[dcn-]

aei[dcn-]

scrfl[dcn-]

pspgi

mval

ecoriI[dcn-]

dsav[dcn-]

bstNI

bsmAI bsski[dcn-]

taqI foki cfrI nlaIII

bsmAI

hpy188III bsaI bstf5I haeIII/palI

esp3I

alul

mli hpy188III apyI[dcn+] hphI

bsmBI

tsp509I

nlaIV

2001 GAGGTCAGGA GTTCGAGACC ATCCTGGCCA ACATGTTGAA ACCCCGCTCTC TACTAAAT ATAAATTA GCTGGGTGTG GTGGCAGAG CCTGTATCC
CTCCAGTCTT CAAGCTCTGG TAGGACCGGT TGTACCACTT TGGGCAAG AGATTTTTA TATTTTAA CGACCACAC CACGTCCTC GGACATTAGG

scrfl[dcn-]

pspgi

mval

ecoriI[dcn-]

dsav[dcn-]

bstNI

bsmBI bsski[dcn-]

apyl[dcn+]

bpml/gsuI[dcn-]

2101 CAGCTACACA GGAGGCTGAG GCACGAGAAT CACTTGAAT CAGGAGATGG AGTTTCACT GAGCCGAGAT CACGCCACTG CACTCCAGCC TGGCAACAGA
GTGATGTGT CCTCCGACTC CGTGTCTTA GTGAAGTGA GTCTCTACC TCCAAGTCA CTGGGCTCTA GTGGGTGAC GTGAGTGG ACCGTTCTCT

ddel tflI

hpy188III

bspcNI hinfI

ddel

mli mli bssBI

bspcNI

mli tspRI

dpnII[dam-]

apyl[dcn+]

2101 CAGCTACACA GGAGGCTGAG GCACGAGAAT CACTTGAAT CAGGAGATGG AGTTTCACT GAGCCGAGAT CACGCCACTG CACTCCAGCC TGGCAACAGA
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fnu4HI/bsoFI
haeIII/palI

mcrI

eagI/xmaIII/ecI XI

eaeI

cfri

bsiFI

xmaI

notI

maeI

fnu4HI/bsoFI bfaI

acI acI speI

bsmAI

hlnFI

mlyI

pleI

2201 GCGAGACTCC ATCTCAAAA AAAAAAAAAA AAAAAAAAAA AAAAAAAAAAGG CGGCCGCCGA CTAGTGAGC
CGCTCTGAGG TAGAGTTTT TTTTTTTTT TTTTTTTTT TTTTTTTTT TTTTTTCC GCCGGCGCT GATCACTCG

> length: 2269

accI (GTMKAC) :

1501

acII (CCGC) :

39 498 2250 2254

afIIII (ACRYGT) :

780 1586

ahaIII (TTTAAA) :

1150

ahdi (GACNNNNNGTC) :

278 714

alul (AGCT) :

152 300 429 510 690 822 888 1015 1345 1476 1816 2070 2102

alw26I (CAGNNNCTG) :

101 316

alwI (GGATCNNNN) :

318 530

alwNI (CAGNNNCTG) :

101 316

apoi (RAATTV) :

3 310 423 655 1464

apyI (CCWGG) :

321 332 1422 1934 1939 2023 2189

asp700 (GAANNNTTC) :

1464 1749

asphi (GWCWC) :

1582